

## REMARKS

Prior to examination on the merits, Applicants respectfully request entry and consideration of the foregoing amendments and newly submitted claims. Specifically, claims 1-22 from parent application 10/008,302 are being cancelled above and are being resubmitted as claims 23-43, respectively. Applicants submit that new claims 23-43 are supported by the specification and accordingly, do not constitute new matter.

Applicants would like to address U.S. 1,910,102 (“Godfrey”), as it was cited against claims 1, 3-6, 8, 9 and 12 of parent application USSN 10/008,302.

### **All pending claims are patentable over Godfrey, U.S. 1,910,102.**

Independent claim 23 and those claims depending from it are patentable over Godfrey because Godfrey fails to disclose each and every element of these claims. Specifically, Godfrey fails to disclose a window assembly comprising a pane defining a plane, a latch bolt housing mounted to the pane, a latch bolt slidably mounted to the latch bolt housing and adapted for compound sliding movement in a plane substantially parallel to the plane of the pane between a first position and a second position, a biasing member operative to urge the latch bolt toward the first position, and a release handle remote from the latch bolt and operative to move the latch bolt from the first position toward the second position against a biasing force of the biasing member.

Godfrey is distinguishable on at least three separate and independent grounds. First, claim 23 requires that the latch bolt be adapted for compound sliding movement in a plane substantially parallel to the plane of the pane between a first position and a second position. The latch bolt of Godfrey is capable of moving both linearly within its housing and rotationally. The rotational movement is **not** “sliding” as that term is used in the present claims. Also, considering

the “projection 17” which extends radially out of the latch bolt 16, the bolt cannot be said to rotate in a plane substantially parallel to the plane of the pane.

The compound sliding movement of the present claims is described at page 13, paragraph 44, of the specification as an angular, serpentine or curvilinear movement and not a monolinear or straight movement. The sliding movement of the Godfrey latch bolt is separate and distinct from its rotational movement; they are not part of a single movement of the Godfrey latch bolt. Thus, the linear movement of the Godfrey latch bolt, standing alone, **cannot** be the compound sliding movement in a plane substantially parallel to the plane of the pane, and the rotational movement of the Godfrey latch bolt, standing alone, **cannot** be the compound sliding movement in a plane substantially parallel to the plane of the pane.

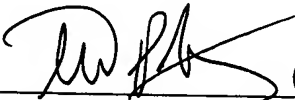
Second, Godfrey lacks a release handle remote from the latch bolt as required by claim 23. The Examiner has indicated that cord 29 functions as a handle and meets the claim element. However, as can be seen, cord 29 is not remote from the latch bolt 16. Rather, it is connected directly to the ring at the end of the latch bolt.

Finally, Godfrey does not disclose a latch bolt housing mounted to the pane as required by claim 23. See page 6, paragraph 27, of the specification (“[t]he phrase “mounted to the pane” as used herein means mounted either directly or indirectly to the pane such that the mounted object travels with the pane when the window is opened and closed”). The latch bolt housing of Godfrey, identified by the Examiner as including components 14 and 18, does **not** travel with the pane when the Godfrey window is opened and closed. Instead, it forms the hinge around which the window travels and remains in the same physical location when the window is opened or closed.

Given that Godfrey fails to disclose each and every element of each of the independent claims of the present application, Applicant respectfully requests that the rejection over Godfrey be withdrawn.

Respectfully submitted,

Dated: 7-7-03

  
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